Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 215717

43
ORIGIN AID-04

INFO OCT-01 ISO-00 /005 R

66622
DRAFTED BY S/S-O:PPSARROS:DEW
APPROVED BY S/S-O:PPSARROS
---------- 082374
O 011119Z OCT 74
FM SECSTATE WASHDC
TO AMEMBASSY TOKYO IMMEDIATE

LIMITED OFFICIAL USE STATE 215717

FOLLOWING SENT ACTION SECSTATE INFO GENEVA USUN EC BRUSSELS
MEXICO CITY CAIRO MANILA OTTAWA CANBERRA FROM OECD PARIS SEP 19

QUOTE OECD PARIS 22159

AIDAC

E.O. 11652: N/A
SUBJECT: OECD AD HOC MEETING--ITEM 5--DRAFT CHARTER OF
ECON RIGHTS AND DUTIES OF STATES

1. SUMMARY: USEFUL REVIEW OF GROUP B ATTITUDES TO
STATUS OF CHARTER INCLUDED: DISCUSSION LIKELY PROSPECT OF
5TH UNCTAD SESSION IF TRUE CONSENSUS NOT ATTAINABLE;
CONCERN ABOUT OVEREMPHASIS PARAMOUNT IMPORTANCE ANY
ONE PARA (E.G. NATIONALIZATION) AS WEAK BARGAINING
POSITION FOR CHARTER AS A WHOLE; CONCERN ABOUT U.S.
INCLINATION TO COMPROMISE TO ACHIEVE "INTERNATIONAL
OBLIGATIONS" OR FALL-BACK LANGUAGE. END SUMMARY.

2. CANADA (MONTGOMERY) SUMMARIZED JUST-CONCLUDED UNCTAD
TDB CONSULTATIONS ON CHARTER. HE FELT THERE HAD BEEN
SOME FORWARD MOVEMENT WHICH MIGHT RESULT IN AGREEMENTS
DURING NY CONSULTATIONS. CHARTER WOULD BE IMPORTANT
DOCUMENT FOR BILATERAL AND MULTILATERAL RELATIONS IF IT
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 215717

WERE ADOPTED BY GENERAL CONSENSUS WITHOUT MANY RESERVA-

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

TIONS. HE WAS INCLINED TO BE PESSIMISTIC ABOUT POSSI-
BILITY OF SATISFACTORY CHARTER, BUT SUGGESTED AD HOC
MEETING DISCUSS: (A) POSSIBILITIES OF AGREEMENT' (B)
POSSIBLE ACTIONS ON CHARTER IN UNGA SECOND COMMITTEE,
AND (C) POSSIBILITIES BEFORE GROUP B TO VOTE FOR,
ABSTAIN WITH RESERVATIONS, VOTE AGAINST CHARTER, OR SEEK
FIFTH SESSION OF UNCTAD WORKING GROUP. ON LATTER POINT,
HE URGED GROUP B BE CAUTIOUS IN PUTTING FORWARD PROPOSAL
FOR FIFTH SESSION SINCE GROUP OF 77 DIVIDED ON MATTER.

3. JAPAN (MIYAKE) REPORTED VIEWS OF EGYPT (EL-ERIAN),
PHILIPPINES (BRILLANTES), MEXICO (CASTENADA), AND
UNCTAD SECRETARIAT (MALKIN) ON CHARTER. EL-ERIAN
THOUGHT CONSULTATIONS DURING TDB NOT VERY SUCCESSFUL,
DUE IN PART TO DIFFICULTY OF REACHING AGREEMENT WHEN
ANOTHER MEETING FORESEEN IN NY. HE FELT INDIA (CHADHA)
HAD TAKEN A STIFF POSITION (CHADHA REPORTEDLY WILL NOT
BE COMING TO NY CONSULTATIONS). BRILLANTES SEES LITTLE

HOPE FOR SUCCESS IN NY CONSULTATIONS AND, ACCORDING TO
TEESE OF AUSTRALIA, DOES NOT PLAN TO ATTEND THEM. HE
FORESEES A FIFTH SESSION OF THE UNCTAD WORKING GROUP.
SOME OPTIMISM IN GROUP OF 77 AND UNCTAD SECRETARIAT
THAT AGREEMENT ON CHARTER CAN BE REACHED IN NY. VIEWS
OF CASTENADA AS SHARED BY EL-ERIAN AND SECRETARIAT ARE
SIMILAR TO THOSE REPORTED IN GENEVA 5683: IF NATIONALIZA-
TION ISSUES RESOLVED' THEN CHARTER POSSIBLE. PARAS 3
AND 19 WOULD THEN BE RESOLVED IN FAVOR OF GROUP B
COUNTRIES, SINCE SOCIALIST BLOC WOULD BE EXPECTED TO
SOFTEN ATTITUDE IN FACE OF STRONG PRESSURES FROM GROUP
OF 77 THAT SOCIALISTS NOT STAND IN WAY OF ACCEPTANCE OF
CHARTER. GROUP OF 77 COULD THEN BE PERSUADED TO DROP
FROM CHARTER CONTENTIOUS ISSUES OF PRODUCER ASSOCIATIONS,
INDEXATION, AND RESTITUTION FOR COLONIAL RAVAGES IN
EXCHANGE FOR DROPPING OF SECURITY OF SUPPLY ISSUE. BUT
ON THE UNDERSTANDING THAT SUCH ISSUES COULD BE NEGOTIATED
AT A LATER TIME AND ADDED AS ADDITIONAL PARAS TO THE
CHARTER.

4. MIYAKE REPORTED THAT UNCTAD SECRETARIAT CONSIDERS
LIMITED OFFICIAL USE

CHARTER SO IMPORTANT THAT IF AGREEMENT NOT REACHED IN
NY, IT WILL URGE GROUP OF 77 NOT TO PUSH THE CHARTER TO
A VOTE, BUT TO SEEK AUTHORIZATION FROM THE UNGA FOR A
FIFTH SESSION OF THE UNCTAD WORKING GROUP. HE ALSO SAID
THAT THE JAPANESE FOREIGN MINISTER HAD RECENTLY TALKED
WITH MEXICAN PRESIDENT ECHEVERRIA AND HAD URGED THE
NEED FOR CONSENSUS ON THE CHARTER, ARGUING THAT IT NOT
BE PUT TO A VOTE, SINCE ADOPTION BY ANYTHING BUT A REAL

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

CONSENSUS WOULD DEGRADE THE VALUE OF THE CHARTER.

5. BELGIUM, SUPPORTED BY JAPAN, CANADA, SWITZERLAND (STAEHELIN), AND OTHER DELEGATES, POINTED OUT TACTICAL PROBLEM IF GROUP B PLACED TOO MUCH EMPHASIS ON THE ONE PARA ON NATIONALIZATION, SINCE AS SOON AS THAT ISSUE WAS RESOLVED, GROUP B WOULD BE UNDER GREAT PRESSURE, PARTICULARLY IN THE HIGHLY POLITICAL ATMOSPHERE OF UNGA, TO YIELD ON OTHER PARAS OF THE CHARTER. BELGIUM SUGGESTED THAT OTHER PARAS BE SETTLED BEFORE FINALLY AGREEING TO NATIONALIZATION PARA. OTHER DELS, PARTICULARLY JAPAN' AGREED ON DANGER OF PRESSURE AND SUGGESTED NEGOTIATIONS ON ALL IMPORTANT MATTERS BE CARRIED ON IN PARALLEL. JAPAN ALSO SAW DANGER THAT GROUP OF 77 MIGHT SPLIT CHARTER INTO TWO PARTS, ONE OF AGREED SECTIONS WHICH COULD BE ACCEPTED BY CORSENSUS AND THE OTHER OF NON-AGREED SECTIONS WHICH WOULD BE VOTED UPON.

6. GERMANY AND JAPAN VERY FIRM ON NECESSITY OF HAVING PARAS ON PRODUCER ASSOCIATIONS AND INDEXATION DROPPED FROM DRAFT CHARTER. IN THIS SAME CONTEXT, ITALY, TURKEY, IRELAND AND SWEDEN STRESSED THAT GROUP B COUNTRIES SHOULD BE MORE FLEXIBLE. ITALY INSISTED THAT GROUP B SHOULD THINK IN TERMS OF GIVING FURTHER CONCESSIONS TO OBTAIN A FAVORABLE CHARTER.

7. US DEL (TANK) MADE STATEMENT ALONG LINES GIVEN STATE 203809. A NUMBER OF DELEGATIONS, INCLUDING THE FRENCH, NOTED US POSITION ON VOTING AGAINST AN UNSATISFACTORY CHARTER, BUT NO DELEGATION COMMITTED ITSELF TO ANY VOTING PATTERN. JAPAN, GERMANY (DITTMAN), AND CANADA INDICATED BY THEIR STATEMENTS THAT THEY WERE CONSIDERING IF NECESSARY A NEGATIVE VOTE ON THE CHARTER
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

AS A WHOLE. US DEL SAID IN STATEMENT THAT US HOPED THAT OECD MEMBER STATES WOULD BE ABLE TO STATE THEIR POSITIONS ON VOTING BY THE OPENING DATE OF THE NY CONSULTATIONS.

8. EC (SALTER) MADE STATEMENT PLAYING DOWN IMPORTANCE OF NATIONALIZATION ISSUES ALONG LINES SIMILAR TO THOSE REPORTED GENEVA 5737. HE DID NOT RAISE IMPORTANCE OF SECURITY OF SUPPLY TO EC COUNTRIES BUT PUT GREATER EMPHASIS ON POINT MADE BY BELGIUM, FRANCE, AND OTHERS THAT ALL PARAS OF CHARTER ARE EQUALLY IMPORTANT. EC MEMMER STATES DID NOT FOLLOW UP ON OR SUPPORT SALTER'S STATEMENT.

9. MAJOR ITEM OF DISCUSSION ON CHARTER OPENED BY FRANCE (CHOLLET) WITH REGARD TO FURTHER NEGOTIATIONS ON

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

BRILLANTES' TEXT. CHOLLET QUERIED HOW FAR THE US WAS GOING TO GO TO REACH A COMPROMISE ON "INTERNATIONAL OBLIGATIONS" LANGUAGE. HE SAID THAT HIS DEL HAD NOT YET SUBMITTED TO THE FRENCH AUTHORITIES FOR APPROVAL THE ALTERNATIVE "INTERNATIONAL OBLIGATIONS" TO REPLACE "INTERNATIONAL UNDERTAKINGS AND COMMITMENTS" IN THE BRILLANTES TEXT. HOWEVER, HE COULD NOT ENVISION GOING TO ANY WEAKER FORMULATIONS. JAPAN DISCUSSED US FALL-BACK POSITIONS FROM "INTERNATIONAL OBLIGATIONS" AND WAS UNHAPPY WITH THEM. MIYAKE INDICATED THAT UNDER GREAT PRESSURE, IT MIGHT ACCEPT AS A FINAL FALL-BACK "INTER-NATIONAL RIGHTS AND DUTIES OF STATES." GERMANY (DITTMAN) SAID NATIONALIZATION PARA IS BY FAR THE MOST IMPORTANT PARA AND MAY HAVE ASSUMED MORE IMPORTANCE THAN IT SHOULD HAVE. GERMANY NOT HAPPY WITH BRILLANTES' FORMULA AND "UNDERTAKINGS AND COMMITMENTS" LANGUAGE UNACCEPTABLE. IT WOULD PREFER "OBLIGATIONS UNDER INTERNATIONAL LAW" AND THINKS THIS SHOULD BE PUT FORWARD. IT IS HESITANT ABOUT ACCEPTING "INTERNATIONAL OBLIGATIONS" AND FINDS "INTERNATIONAL RIGHTS AND DUTIES OF STATES" UNACCEPTABLE. SWISS (STAEHELIN) ALSO FOUND THIS LATTER FORMULA UNACCEPTABLE AND SAID THAT INTERNATIONAL LAW WRITTEN AND UNWRITTEN WOULD HAVE TO BE IMPLIED IN THE FORMULA.

10. EC (SALTER) APPROACHED US DEL (BLACK) RE ARRANGE-MENTS FOR GROUP B MEETINGS FOR COORDINATION DURING NY
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 05 STATE 215717

CONSULTATIONS. STATE 204465 OUTLINES ARRANGEMENTS PROPOSED. CHAIRMAN TEESE OF AUSTRALIA RAISED MATTER, CITING INITIATIVE AS THAT OF US. ALL COUNTRIES AGREED TO ARRANGEMENT EXCEPT FRANCE, WHICH INSISTED THAT ARRANGEMENTS FOR GROUP B MEETINGS SHOULD BE MADE IN NY AT THE OCTOBER 7TH (3P.M.) MEETING. CHOLLET INDICATED PROVATELY HE UNWILLING TO HAVE TIME OF GROUP B MEETINGS SET UP IN OECD AD HOC MEETING BECAUSE OF SENSITIVENESS OF FRENCH UN MISSION WHICH OPPOSED UNCTAD-TYPE GROUP B COORDINATION IN UNGA. HE BELIEVES UNCTAD CHARTER WORKING GROUP IS A SPECIAL CASE BUT WANTS TO WORK OUT DETAILS WITH HIS MISSION WHEN HE ARRIVES IN NY. FOR THE MOMENT, THEREFORE, ONLY OCTOBER 7TH MEETING HAS BEEN AGREED TO BY ALL GROUP B COUNTRIES.
TURNER UNQUOTE INGERSOLL

LIMITED OFFICIAL USE

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

NNN

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CUSTOMS DUTIES, TRADE LAW, POLICIES, CREDENTIALS PRESENTATION, REGIONAL ORGANIZATIONS, MEETINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 01 OCT 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE215717
Document Source: CORE
Document Unique ID: 00
Drafter: O:PPSARROS:DEW
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740276-0630, D740277-0941
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741081/aaaacrhd.tel
Line Count: 216
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN AID
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 04 APR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <04 APR 2002 by boyleja>; APPROVED <11 JUL 2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: OECD AD HOC MEETING--ITEM 5--DRAFT CHARTER OF ECON RIGHTS AND DUTIES OF STATES
TAGS: ETRD, PFOR, CB, NP, UNGA
To: TOKYO
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005